

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

GEOTAG IP, LLC,)	
Plaintiff)	
)	
)	Civil Action 6:22-cv-00078
v.)	
)	
RF MICRON, INC., dba)	
AXZON INC.)	JURY TRIAL DEMANDED
Defendant.)	

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT**

Geotag IP, LLC (“Geotag”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,511,910 (“the ‘910 patent”) (referred to as the “Patent-in-Suit”) by RF Micron, Inc., dba Axzon, Inc. (“RF Micron”).

I. THE PARTIES

1. Plaintiff Geotag is a Texas Limited Liability Company with its principal place of business located in Travis County, Texas.

2. On information and belief, RF Micron is a corporation existing under the laws of the State of Texas, with a principal place of business located at 3700 N Capital of Texas Hwy, Suite 570, Austin, TX 78746. On information and belief, RF Micron sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold

in Texas and this judicial district. RF Micron may be served through their registered agent Shahriar Rokhsaz, 3700 N Capital of Texas Hwy, Suite 570, Austin, TX 78746 or anywhere they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271, et. seq.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT


A. Infringement of the '910 Patent

6. On December 6, 2016, U.S. Patent No. 9,511,910 (“the ‘910 patent”, attached as Exhibit A) entitled “Intelligent Wine Capsule” was duly and legally issued by the U.S. Patent and Trademark Office. Geotag owns the ‘910 patent by assignment.

7. The ‘910 patent relates to a datalogger that includes energy harvesting and use.

8. RF Micron makes, uses, and sells dataloggers including energy harvesting and use that infringes one or more claims of the ‘910 patent, including independent claim 20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘910 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

US 9511910 B2 Claim 20	RF Micron's Wireless Temperature Sensor
20. A method comprising:	 <p>© 2020 RFMicron, Inc. d/b/a Axzon. <https://axzon.com/></p> <p>RFMicron's Wireless Temperature Sensor has a method.</p> <p>The reference includes subject matter disclosed by the Claim 20s of the patent after the priority date.</p>

US9511910 B2 Claim 20	RFMicron's Wireless Temperature Sensor
<p>receiving electromagnetic energy at an energy harvester to form harvested electromagnetic energy;</p> <p>transferring the harvested electromagnetic energy to at least one energy storage component to form stored energy;</p>	<p>Flexible easy to install design</p> <p>The RFM3200 is built using flexible materials with a built-in adhesive strip. The RFM3200 incorporates <u>an integrated RF antenna to harvest energy for the temperature sensing function</u>, as well as to communicate with a RAIN/UHF compliant reader. The integrated antenna is configured to be relatively insensitive to moisture and rain but is not suitable for direct use on metal.</p> <p><https://axzon.com/rfm3200-wireless-flexible-temperature-sensor/></p> <p>The reference describes receiving electromagnetic energy at an energy harvester to form harvested electromagnetic energy.</p> <p>The reference describes transferring the harvested electromagnetic energy to at least one energy storage component to form stored energy.</p>

US9511910 B2 Claim 20	RFMicron's Wireless Temperature Sensor
<p>after a voltage of the stored energy exceeds a pre-defined threshold, turning ON at least one processor and at least one non-volatile memory, wherein the at least one processor and the at least one non-volatile memory are powered by the stored energy;</p>	<p>Flexible easy to install design</p> <p>The RFM3200 is built using flexible materials with a built-in adhesive strip. The RFM3200 incorporates <u>an integrated RF antenna to harvest energy for the temperature sensing function</u>, as well as to communicate with a RAIN/UHF compliant reader. The integrated antenna is configured to be relatively insensitive to moisture and rain but is not suitable for direct use on metal.</p> <p><https://axzon.com/rfm3200-wireless-flexible-temperature-sensor/></p> <p>The reference describes after a voltage of the stored energy exceeds a pre-defined threshold, turning ON at least one processor and at least one non-volatile memory, wherein the at least one processor and the at least one non-volatile memory are powered by the stored energy.</p>

US9511910 B2 Claim 20	RFMicron's Wireless Temperature Sensor
<p>while the at least one processor and the at least one non-volatile memory are activated:</p> <p>receiving a temperature signal at the at least one processor from a temperature sensor;</p>	<p>Battery-free equipment monitoring</p> <p>The RFM3200 is a wireless battery-free temperature sensor. This flexible sensor is designed to monitor environmental and material temperatures in a wide range of settings. Typical applications include environmental temperature monitoring, bulk material temperature monitoring, data center chiller and cooling monitoring, as well as cold chain monitoring at key shipment centers.</p> <p><https://axzon.com/rfm3200-wireless-flexible-temperature-sensor/></p> <p>The reference describes while the at least one processor and the at least one non-volatile memory are activated: receiving a temperature signal at the at least one processor from a temperature sensor.</p>

US9511910 B2 Claim 20	RFMicron's Wireless Temperature Sensor
<p>storing data representative of the temperature signal in the at least one non-volatile memory; and</p> <p>discharging the stored energy such that the voltage of the stored energy drops below the pre-defined threshold; and</p> <p>turning OFF the at least one processor and the at least one non-volatile memory after the data representative of the temperature signal has been stored in the at least one non-volatile memory.</p>	<p>Flexible easy to install design</p> <p>The RFM3200 is built using flexible materials with a built-in adhesive strip. <u>The RFM3200 incorporates an integrated RF antenna to harvest energy for the temperature sensing function, as well as to communicate with a RAIN/UHF compliant reader.</u> The integrated antenna is configured to be relatively insensitive to moisture and rain but is not suitable for direct use on metal.</p> <p><https://axzon.com/rfm3200-wireless-flexible-temperature-sensor/></p> <p>The reference describes storing data representative of the temperature signal in the at least one non-volatile memory.</p> <p>The reference describes discharging the stored energy such that the voltage of the stored energy drops below the pre-defined threshold.</p> <p>The reference describes turning OFF the at least one processor and the at least one non-volatile memory after the data representative of the temperature signal has been stored in the at least one non-volatile memory.</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. RF Micron has and continues to induce infringement. RF Micron has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., wireless temperature sensors) such as to cause infringement of one or more of claims 1–27 of the ‘910 patent, literally or under the doctrine of equivalents. Moreover, RF Micron has known or should have known of the ‘910 patent and the technology underlying it from at least the date of the filing of the lawsuit.

11. RF Micron has and continues to contributorily infringe. RF Micron has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., wireless temperature sensors) and related services such as to cause infringement of one or more of claims 1–27 of the ‘910 patent, literally or under the doctrine of equivalents. Moreover, RF Micron has known or should have known of the ‘910 patent and the technology underlying it from at least the date of the filing of the lawsuit.

12. RF Micron has caused and will continue to cause Geotag damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘910 patent.

IV. JURY DEMAND

Geotag hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, Geotag prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the ‘910 patent through RF Micron payment links;

- b. award Geotag damages in an amount sufficient to compensate it for Defendant's infringement of the '910 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Geotag an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Geotag its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award Geotag such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'W. Ramey', with a large, loopy flourish underneath.

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